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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5695 of 2007

PETITIONERS

1. Ashok Kumar Khaperdy, Age about 37 years, U.D.T. S/o Shri Ghanshyam Khaperdy Middle School, Kumhlee Block – Lohandiguda Distt.- Bastar (C.G.)
2. Narendra Kumar Dewangan Age about 37 years, Head Master S/o Shri N.R. Dewangan Primary School Parapur Block – Lohandiguda Distt.- Bastar (C.G.)
3. Chaitan Ram Kashyap Age about 36 years, Astt. Teacher S/o Shri Lakhanu Ram Kashyap Primary School Negirasa Block – Lohandiguda Distt.- Bastar (C.G.)
4. Niranjan Das Age about 42 years, Astt. Teacher S/o Late Shri Nanibhushan Das Middle School Kothiyaguda Block – Lanhandiguda Distt.- Bastar (C.G.)
5. Smt. Nisha Awashthi Age about 47 years, Astt. Teacher W/o Shri Prem Shankar Awashthi Primary School Pariyaguda Block – Lohandiguda Distt. – Bastar (C.G.)
6. Virendra Kumar Kashyap Age about 36 years, Astt. Teacher S/o Shri Manglu Ram Kashyap Primary School, Gadhiya Block – Lohandiguda Distt. – Bastar (C.G.)
7. Bali Ram Moury Age about 36 years, Astt. Teacher S/o Shri Rupdhar Moury Primary School, Chalkiguda Block – Lohandiguda Distt. – Bastar (C.G.)
8. Smt. Saroj Mandavi Age about 44 years, Astt. Teacher W/o Shri Satrughan Lal Mandavi Primary School Patel – Pandaripani Block – Jagdalpur, Distt. – Bastar (C.G.)

Versus

RESPONDENTS

1. State Govt. of Chhattisgarh Through Secretary Tribal Welfare Department & Education Department D.K.S. Bhawan, Distt. – Raipur (C.G.)
2. Astt. Commissioner Officer Tribal Welfare Department Distt. – Bastar (C.G.)
3. Distt. Education Officer Jagdalpur, Distt. – Bastar (C.G.)

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4 Block Education Officer Jagdalpur/Lohandiguda Distt. – Bastar (C.G.)
5 Treasury, Accounts & Pension Distt. – Bastar (C.G.)

(Writ Petition under Article 226of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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